

**CITY OF NORWALK
ORDINANCE COMMITTEE
SPECIAL MEETING
SEPTEMBER 4, 2018**

ATTENDANCE: Eloisa Melendez, Chair; Tom Livingston; Doug Hempstead;
Michael Corsello; Chris Yerinides; Beth Sieglebaum; Doug Stern;
Ernie Dumas; Greg Burnett

STAFF: Attorney Brian Candela, Corporation Counsel; Ray Burney,
Director of Personnel; Robert Barron, Director of Finance;
Timothy Sheehan, Executive Director, Redevelopment Agency

1. CALL TO ORDER

Ms. Melendez called the meeting to order at 7:20PM.

2. PUBLIC HEARING

- Discuss and vote on proposed ordinance- Innovation District
- Discuss and vote on proposed ordinance- Department of Chief of Staff
- Discuss and vote on proposed ordinance- Economic and Community Development Department
- Discuss and vote proposed revisions/amendments to Article III; Department of Recreation and Parks ordinance
- Discuss and vote on proposed revisions/amendments to Department of Public Works ordinance

Ms. Melendez opened the public hearing on the reorganization at 7:25PM

Jackie Lightfield- 2 Park Street, Representative of Norwalk 2.0

Ms. Lightfield stated that she supports the reorganization as an executive director and president of multiple organizations, and being able to reorganize staff in a structure that makes sense is very important so she fully supports the reorganization.

Adolph Neiderland

Mr. Neiderland stated this appears to be a piecemeal attempt to overcome the negative reaction to Mayor Rilling's reorganization that was proposed previously. There is no dollar attached to the plan, and this looks like one section of a larger plan and it represents a problem that Norwalk has of not looking at the global issue, but looking at only one piece at a time so the overall effect is not seen so he objects to that and Norwalk should learn to look at the global issue rather than at the individual pieces. There needs to be an integrated look at the broader approach and the cost of the implantation has to be included, and it should not be voted on without knowing what the overall cost will be and there is no offset to the anticipated cost.

Richard Bonenfant- 17 Park Hill Avenue

Mr. Bonenfant stated that the cost of the reorganization has not been advertised and if the Assitant Mayor is currently working on her own job title and salary and is all being done in executive session he hopes that the ethics committee is okay with that.

Deborah Goldstein- Osborne Avenue

Ms. Goldstein stated that she refers back to the text and the comments that she had made at the August 21st meeting and said that this proposal is not ready for the current time, and she urges that the committee vote this down permanently and get everyone get back to business running the city and not wasting time on this.

Elizabeth Greenwood

Ms. Greenwood stated that there should be housing for the disabled and whether you are disabled or not and are homeless you need to call 211 and cannot walk into any shelter in Norwalk and you get forwarded to the Bridgeport Rescue mission which is also closed.

Mark Suda

Mr. Suda stated that he is a police officer of 25 years and he has decided to have his family stay in Norwalk and his kids have been through the Norwalk public schools and he is also the Republican Town Chair and whether you are democratic or republican it doesn't matter this is about the citizens of Norwalk. He read what is on his agenda for his Town Committee as follows: Common Sense of the common good, spend no more than you make, borrow no more than you can afford to pay back, if it is not broken don't fix it but if broken get rid of it. The more government tries to do the less it does well and we should have only the government we need. He said you are asking for \$30,000- \$40,000 dollar a year raises for one individual times seven, and as a police officer it took seven

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years to a get \$1,500- \$2,000 raise a year if he was lucky, and he gets evaluated to show his performance and report to people. Nobody is worth \$30,000- \$40,000 when we can't even afford to send our kids for a full day of school because there is no air conditioning.

Diane Cece- Olmstead Place

Ms. Cece stated that she agrees with all of the previous speakers and her biggest concern from a professional point of view is that when she attended the meeting with the first presentation of the Mayor's draft reorganization which was not presented by the Mayor and it was all orchestrated by the Assistant Mayor. Right from the beginning it was clear that there was no professional involvement in terms if the city should be reorganized and what the goal was, and there was no professional consultant hired to help us evaluate the best way to reorganize and to exam the alternatives. The plan is still short on facts on what this is achieving and the goal should be what the benefit is for the residents and the taxpayers and she does not see that. It has been asked time and time again on what this will save the city or what it will cost if there is a cost what the benefits of that is. The entire process needs to be revisited and a professional consultant is needed to assist with that and she urges the committee not to consider this for passage and go back to the drawing board.

John Flynn- 27 Quintard Road

Mr. Flynn said he has done the math on a lot of different things and nothing adds up. The Health and Safety Department provides no health or safety, and departments don't talk to one another and we are talking about putting an extra person to help with the chain of command in which does not even exist and he has a problem with that. Look at the Walk Bridge project the city is proposing to pay .15 cents a day for 300 business's that will be affected by the Walk Bridge, which will be \$100,000 to split over the course of the six years and the money that is being spent for the reorganization should be given to business's that will be affected. He also said there is no environmental plan.

Ms. Melendez closed the public hearing on the reorganization at 7:42PM

Ms. Melendez opened the public hearing on the Innovative District at 7:42PM

Steve Serasis

Mr. Serasis said he does believe in an innovative district that has multi-culture, activities and is intergraded with the business community and eventually housing and he had built the first one in Shanghai. He said he had tried very hard with previous Mayors and while

he was a member on the Common Council to make Shanghai our sister city and also tried with the members of the Common Council in which he excludes Mr. Hempstead from to merely look at the 36 page presentation and no one took the time to read it. He said that Mr. Sheehan did spent hours with him trying to understand what he was trying to tell him. He said we are looking to get \$15 million dollars for an innovation district that will probably cost \$30 million dollars when \$8 million wasn't approved because the downtown is was too depressed of an area and the South Norwalk area was too dense.

Anna Whare- Wilton, CT

Ms. Whare said that the Garden Cinema is extremely important to many people and the only reason she comes to Norwalk is for the Garden Cinema and Pontos Restaurant. She said she would really like to know what will be happening in that area.

Richard Bonenfant- 9 Park Hill Avenue

Mr. Bonenfant stated that he is not in favor of the innovative district and he disagrees with the premise that the intentional clustering of apartments and bringing in technologies will bring folks down to the Wall Street district; rather it will make people avoid the area due to congestion and traffic. The plan that population needs to be added to the city to invigorate the local economy to maintain property values or to slow down the tax rate is a seriously flawed plan that will simply result in new costs for service, school construction and more sacrificing of our parkland. Give the people something to do downtown new activities, restaurants, shopping etc. and they will come down but if all you are doing is making it financially advantageous and throw out existing business's and encourage landlords to knock down building and build 6 story apartment buildings and they will figure out that they will not have to pay taxes for 15 years. If a business can't make it without a tax break in Wall Street is that the business you really want down there? Please listen to the public and don't just look at the public process hearing as a necessary step before you are going to do what you are going to do anyway.

Bill Nightingale

Mr. Nightingale stated that this would be a huge disincentive for a private developer to get involved in the area and the Globe Theater who is a recipient of many government grants has gone bankrupt because the owners had equity is also a blight on the area. He said he had warned the Council years ago against giving Spinnaker and Enterprise Zone for its 95/7 property because some commercial enterprise would take advantage of the city and that's exactly what happened, and with GGP reaping tax breaks for building a mall on the property. Once you start going down the path of tax abatements, government grants to make unviable business's try to operate it will backfire on the community and

we want to attract business's that can stand alone that have proper investment behind them. The Poko project has to first be fixed and if tax incentives are given to business's it will incentivize other businesses that don't get tax incentives to invest in Norwalk and this would be a very bad path for Norwalk.

Adolf Neiderland

Mr. Neiderlan said he would like to see an annual report of operations which should be posted on the website as it relates to the West Avenue and Wall Street area and it must conform to the POCD parameters, and there was no reference to the POCD in the Redevelopment proposal even though it is an ongoing mandated operation. Last year over 180 people representing every community in the city overwhelmingly redetected new residential mixed use.

Jackie Lightfield- 2 Park Street, Representative of Norwalk 2.0

Ms. Lightfield stated that she is opposed to the language for the innovative district for a variety of reasons and there is a major defect with the language of the ordinance and it does not properly define boundaries or provide a map that indicates where the district is located. She provided a map in the handout of the Norwalk center business district looks like and she strongly suggests that the committee look at the language that is in there as well. The Redevelopment Director has consistently talked about the Wall Street center area as having the lowest density outside of Silvermine and she does not see a whole lot of recommendation to increase the destiny in Silvermine with an innovation district. What is not stated and what is not talked about by the Redevelopment Agency is that the most desirable single family housing within the urban core is immediately around the Wall Street area, and to create policy that would introduce housing several stories high in this area changes the characteristic of the neighborhood and the desirability of wanting to live close to it so from a philosophical stand point this is not well thought out proposal. There are a lot of incentives built into the tax code for real estate development and the philosophy behind federal tax codes is that people would invest in distressed areas and the municipalities would reap the benefits of that investment and increase their tax revenue. She said her final point is when does this stop and that we have been providing incentives for developments for many years in Norwalk yet there is no accountability about if these incentives actually work, and what is proposed and what is actually collected are checked or reviewed if whether the policies incentivize on what they are trying to accomplish. Entrepreneurs don't make decisions based on tax incentives they make them on infrastructure and she would rather see us collect tax revenue and put it into the infrastructure then give it away to property developers.

Bill Collins- 32 Allen Road

Mr. Collins stated that he does not disagree with the concept and that it's important to provide incentives to developers who do what you want to have done with your downtown. He said that in the 1980s he had spearheaded a renovation of Washington and South Main Streets to create SoNo. And back then, the city condemned buildings and then sold them to a developer at 90 percent of its cost, on the condition that the developer do as expected by the City, unfortunately this proposal goes the opposite way and there is so much loose language. Better it would be to do something that Norwalk has not done and instead of spending money to subsidize developers subsidize the Garden Cinema and small businesses on Wall Street. There are many things that the Redevelopment Agency should have been doing over the years that they have not been doing and they need more staff and budget and some excitement.

Deborah Goldstein- Osborne Avenue

Ms. Goldstein stated that she has had the opportunity to review Mr. Sheehan's document regarding the innovation district and find them underwhelming and unresponsive to the questions posed with regards to the economic issues with the state and the reference to tax incentives. Mr. Sheehan has only addressed two of her three suggestions from the last meeting and as to why the innovation district requires more multi unit housing. She said that Mr. Sheehan had stated that the very hopeful statistics from the Urban Land Institute that a business district with 100,000 square feet requires a population of 30,000 people within one to three miles and he goes on to say there are only 1822 in the innovation district and putting those together leads to a faulty conclusion. The state only has 85,000 residents and if a third of them had to live inside the innovation district to make that section of the city viable then we should be having a very different conversation. With regard to the ordinance itself she suggests annual definition for recreational and public ground and to add both to the description of mixed use. It should exclude data centers and the section on eligibility requirements should exclude applicants that are involved in commercial litigation with the city at the time of the application or are undergoing bankruptcy at the time of application, and should bar anyone who has defaulted on any agreement with the city or authority or agency within the city in the last 10 years. She strongly suggests the committee waits until they have legal department harmonize in this. This ordinance is not in accordance with the TIF regulations in the Connecticut General Status and cannot be passed this way.

Jason Milligan- 11 Belden Avenue

Mr. Milligan said that he is frustrated, and that he has e-mailed the committee individually and together and he would much prefer a dialogue regarding this. He said he

owns 30 individual properties within the district making him the largest owner in the district and no one has reached out to speak with him asking him his opinion or has anyone reached out to the second largest owner in the district nor has the Wall Street neighborhood association. He said he is not opposed to the idea, it could be wonderful, but, this is not an Innovation District, what you are proposing and this has the name innovation district attached to it and provides loose tax incentives with no clear deadlines or process with complete control in the Council and if denied there is no recourse. He suggested that you might adopt some of that, get a little more input from the people and the stakeholders, revamp this thing, make it a real innovation district that has a lot more input instead of rushing this through. I know you've been talking about this for so many times for so long but with whom.

Elizabeth Greenwood

Ms. Greenwood asked why a mall is being built in South Norwalk when malls are going bankrupt and that the developer GGP had gone bankrupt and a Canadian company had to come in and buy them. She said incentives should be given to the disabled and they have the same abilities to have an innovative business and spend the money wisely to make Norwalk better. She said that she moved here from Greenwich because Norwalk is much better to the disabled and yet they are doing it right; Why not follow them and not bankrupt the city that this project would do and develop Wall Street as it should be.

Donna Smirniotopoulos- 18 Shorefront Park

Ms. Donna Smirniotopoulos stated that the ordinance for the Innovation District could be better and it should be more specific and they should go back to the drawing board and remove mixed use. There are other ways to bring foot traffic into the Wall Street area. Her experience with mixed use is it tends to attract larger developers and she would rather take away some of the burdens off the amenities, and if the city unburdened itself then you would be able to attract those developers without the incentives. The proposed ordinance states that if it anyway fails to comply with the agreement the Common Council may terminate and she thinks it should be changed to shall terminate.

John Flynn- 27 Quintard Road

Mr. Flynn stated that Jason Milligan is his idol and that that the city should not be suing him but begging him for his forgiveness because he owns half of Wall Street and we need an innovator like him and we need to attract more people like him.

Steven Bentkover

Mr. Bentkover stated that he used to be the Chairman of the Parking Authority and when the Maritime Garage was built they were told by representative from the Maritime Aquarium that they would fill that garage everyday guaranteed and guess what it didn't happen. He said 15 years ago he started a charitable organization called Norwalk Reads and it puts him in the schools a lot and you are talking about incentivizing developers to come to Norwalk to build apartments, but unless you fix what is broken he won't work. He asked the committee to take a deeper look at the proposed ordinance and listen to what the folks have said tonight and understand this is not a popular proposal and either fix it, table it, or reject it because the same people to allow Poko to go ahead and fail and allow the mall are the same people who are going to be making a decision on this ordinance. He asked the committee to think about it because what you do is going to affect all of us for a very long time.

Diane Cece- Olmstead Place

Ms. Cece stated that she is not opposed in general to incentives, tax abatements and other means of incentives as a rule her concern here is that this is being pushed though again in the absence of facts and data, or anything that will give us a matrix to measure what it is we expect to get out of it and we never do the post analysis to see if it materialized and if it did and if it didn't why not and analyze that. We do this over and over again and it doesn't work and now we are just calling this something different hoping that this will work. She said as part of the analysis it should include desirability, feasibility, cost benefit and this is something that the constituents want and she sees none of this except for "but for" and her book that is not sound making decisions. This is why it is a good idea to but a moratorium on major development, land use amendments and any major changes in the city unless or until the POCD is substantially complete, and a draft it understood by the people because a plan of this nature needs to comply with the peoples wishes and what is in the POCD and it should not be considered now. If you grant an incentive to someone in this district and they fail to comply the proposed ordinance states that the Common Council may terminate the agreement and that type of subjective arbitrary decision making cannot sit within this body and the "may" should be changed to "shall" or the entire proposed ordinance needs to be objected.

Robert Fahey- 66 Center Avenue

Mr. Fahey stated that he owns a business right outside the proposed area and he doesn't ask for handouts or tax incentives but the only thing he asks for is an area where he can conduct business and not receive a zoning violation. In terms of the proposal if I brought this to a bank and asked them for a loan I would be turned down.

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Elsa Peterson Obuchowski - 41 East Avenue

Ms. Obuchowski stated the thing that concerns her is it is solely in the hands of the Common Council and the Council works on two year terms and there can be a Council that is doing an excellent job and then there can be another Council that is not doing a good job and each time there is an election there can be a change on how this ordinance is used because the language is so loose and flexible. She also said that it has not been well explained to the public and even the name Innovation District makes her hard for the public to understand what it is.

Mark Suda

Mr. Suda stated that people should not be bullied by this and that there is a lot of bullying going on right now and he could prove that but will not talk about it. We are the sixth largest city in Connecticut and there are well over 100,000 people in the city and some homes have over 17 people living in them with no enforcement action so how can there be enforcement action on this district. How is this going to help our current business's that are going out of business? The perception from the contractors in the city is that are not being used by the city is that to play you have to pay. When he started in 1993 there were 179 police officers and today have 178 police officers and asked how as a police department they are supposed to take charge when there is another 30,000 people. Where is my tax incentive? Do not make Norwalk Stamford is all I am asking.

Maria Bryant- Morgan Avenue

Ms. Bryant stated that she lives on the perimeter of the Innovation District and the boundaries of this district blur into an area that is quite the contrary of what the Wall Street Innovative District is described as.

Ms. Melendez closed the public hearing of the Innovative District at 8:53PM.

Mr. Livingston called for a five minute recess.

The meeting reconvened at 9:00PM

PUBLIC HEARING DISCUSSION

Mr. Barron stated that what he had written in an e-mail to the committee members was if the incentive passed the "but for" test the proposed development will not happen but for the incentive being provided. He provided an example which takes a real building in the City of Norwalk

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First Taxing District, worth \$2.9 million, and imagines a \$5 million improvement. The real estate taxes on the unimproved property are currently \$54,198, and \$46,559 would be added to those taxes during the first seven years after it was improved, increasing the total property taxes in years one to seven to \$100,757 a year. After the tax break expired in year eight, the owner would pay taxes of \$147,315 a year. He said that Council members would decide the level of tax break applied to the improvements; the example used a 50 percent break but 30 or 40 percent is possible. He explained that the proposal is intended to respond to decades of lack of development in this area and that we are still getting extra revenue for the first seven years, and that this is not using taxpayer's money to pay a developer to develop. This is an incentive to reduce the tax burden for a period of time in order to attract developers into the area, and to build what the Redevelopment has identified as key industries that they believe will revitalize the district. He said that this is not a TIF district and we are not talking about borrowing money to give incentives, we are talking about creating incentives where less tax are paid in the first seven years and get the full tax burden in the eight year and beyond. The proposed ordinance requires review of individual applications rather than a by right ordinance so the Common Council will ultimately have the right to approve what the mix of what development is being attracted to the area, and the problem with by right ordinances is that as long as the application meets a certain set of criteria then they are by right qualified for the incentive and that is not what they want. In closing he said this is an incentive to reduce the tax burden for a period of time in order to attract developers into the area and to build what the Redevelopment has identified as key industries that they believe will revitalize the district. Mr. Yerinides asked if the savings would be enough to make or break a project. The ordinance clearly states that we are trying to encourage technology, science, health or design business's that we hope to attract into the district and the sufficient housing to support those business's and the only way to accomplish that is if the Council has the right to review each and every application. Mr. Barron replied that if a developer saved \$50,000 in taxes for seven years, that would be a \$350,000 savings and "yes", he thinks that could be difference between whether someone chooses to do a \$5 million development or not.

Mr. Livingston stated that he had come to this meeting, with a lengthy set of amendments, and said to be clear, he still supports the concept but he thinks a lot of points that were made tonight were very good ones and he thinks a lot of us feel this way. He presented his proposed amendments and said that it is a good starting place and that he is proposing is to take the discretion away from the Council because what he is worried about is down the road is that somebody could make a claim that whatever decision we made is arbitrary or motivated by some other point, and he doesn't want the Council to get caught up in legal proceedings about that. He said that one change requires a third party "feasibility" review of an application with a proposed investment of at least \$1 million, rather than an "economic and innovation capacity" review, before the application comes to the Council, and also included language to include a definition of

the district and to make applications consistent with the Plan of Conservation and Development, and include changing the language to require that staff assigned to the Council Planning Committee review proposals, not the Redevelopment Agency. He said that he still thinks there is more work to be done but he wanted to begin repositioning things a little bit.

Mr. Corsello stated that this makes it more of an objective standard.

Mr. Hempstead stated that a report was done six months ago that there is a shortage of housing in this area, and if we want a walk- ability center of town we need to have enough incentives for jobs. The numbers presented don't jive as previously presented by Mr. Sheehan, and that the district needs more residents for the businesses to succeed. He recalled hearing that 30,000 people would be needed to support a commercial district, and said that an additional 30,000 people won't fit in the area. He said that Mr. Milligan had stated tonight that he doesn't want government money and the Norwalk Hospital has an innovative idea without incentives. He concluded stating as long as we are an exporter of jobs we are kind of working against ourselves and that this ordinance is a long way of going to the Common Council for a vote and more back up information in a plan is needed.

Mr. Yerinides said that the amendments are good but he thinks it's one of 300 things that will need to happen for him to feel comfortable with this, but he appreciates that they are trying and he thinks this is a great amendment and a good starting point, but if we are going to go through this like he thinks it deserves we need to figure out what this ordinance is actually trying to do and what we want our city to be doing. He said that there are some big picture things that we need to own up to and identify with this ordinance and decide what we want to be as a community and as a city, and that he would be more happy to get into the nitpicky stuff as far as who has control over approving and denying but before we can get to those details we have to plan and understand what we are trying to achieve and be sure we can achieve those things.

Mr. Stern said he had similar concerns and that he is not questioning the intentions of his colleagues, the Planning Committee or the Redevelopment Agency. He said that a lot of hard work went into the plan and reasonable minds can truly disagree on the right approach to revitalizing West Avenue and Wall Street, which is absolutely necessary, but his broader concern with the mixed use residential is much of the time government is reactive when something happens and a city needs to respond and some of the response requires spending city money, but whenever we are proactive about something it is about a problem that currently exists and when you have these apartment at 90% capacity he does not see that as a problem that needs solving.

**** MR. LIVINGSTON MOVED TO APPROVE THE AMENDMENTS
** THE MOTION PASSED WITH FIVE (5) IN FAVOR AND (2) TWO
ABSTENIONS (MR. STERN AND MR. HEMPSTEAD)**

**** MR. HEMPSTEAD MOVED TO TABLE THE ITEM TO THE NEXT
SCHEUDLED ORDINANCE COMMITTEE MEETING ON SEPTEMBER 18, 2018.
** THE MOTION PASSED WITH SIX (6) IN FAVOR AND (1) ONE
ABSTENSION (MR. STERN)**

Mr. Livingston said on the proposed reorganization it states the Parks and Recreation is responsible for all the cleaning, heating and care on public buildings and requested that it be changed to all city buildings on park land. Mr. Burney said he would clarify the change with Mr. Chimento and Mr. Hughes.

Mr. Livingston said is section 90-1- c, the language have responsible charge needs clarification. Mr. Burney said that he would he will clarify what was in the prior ordinance.

Mr. Hempstead said President Obama had 15 cabinet members, of a country of 340 million people; I don't think 15 department heads in a city of 84,000 is overwhelming. My disappointment even on top of this, there is no plan of implementation; I am not against reorganization because I have been involved with them in the city a couple of times before, but it had a plan. This one to me came without the proper analysis of what it is that we are trying to fix.

**** MR. LIVINGSTON MOVED TO SEND THE PROPOSED POSITIONS AS
AMENDED TO THE COMMON COUNCIL MEETING ON SEPTEMBER 11,
2018.**

**** THE MOTION PASSED WITH (5) FIVE IN FAVOR AND (1) ONE AGAINST
(MR. CORSELLO) AND (1) ABSTENTION- (MR. YERINIDES)**

4. PUBLIC COMMENT

Ms. Cece stated that it would be helpful since new information was taken on tonight relative to one of the public hearing items specifically the financials on the innovation zone and the long list of amendments that they be made public as soon as possible.

5. ACCEPTANCE OF MINUTES

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On page one under the attendance change "Barbara" to "Beth"
On page three change "poko" to "pocd"

**** MR. HEMPSTEAD MOVED TO APPROVE THE MINUTES AS AMENDED.
** THE MOTION PASSED UNANIMOUSLY.**

6. OLD BUSINESS CHAPTER 12, ARTICLE I, SECTION 12-1 OF THE ORDINANCES OF THE CITY OF NORWALK

Mr. Livingston suggested that if we are going to refer to the State Statute the same language should be used. Mr. Candela said that he followed up with Chief Kulhawik and he has confirmed that bars do follow the State Statute which is what should have been in effect anyway.

**** MR. HEMPSTEAD MOVED TO APPROVE MOVING THE ITEM AS
AMENDED BY MR. LIVINGSTON TO A PUBLIC HEARING AT THE
REGULARY SCHEDULED ORDINANCE COMMITTEE MEETING OF
SEPTEMBER 18, 2018.
** THE MOTION PASSED UNANIMOUSLY.**

7. NEW BUSINESS

There was no new business discussed this evening.

8. DISCUSSION ITEM

There was no discussion.
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9. ADJOURNMENT

**** MR. YERINIDES MOVED TO ADJOURN**

**** THE MOTION PASSED UNANIMOUSLY**

The meeting adjourned at 10:05PM

Respectfully submitted,

Dilene Byrd
Telesco Secretarial Services